

1 impounded the car—the exact tactics that Mr. Lustig decries in the criminal case before this
2 Court.

3 These related cases show that the officers were impounding and searching cars to
4 search for criminal evidence—not as the result of any legitimate community-caretaking
5 function or exigency. They show that officers were purposefully orchestrating warrantless
6 searches to fish for cell phone data also. And they show that law enforcement was not acting
7 in good faith in undertaking any of these extra-judicial and warrantless actions.

8 Mr. Lustig renews his request that the Court either grant his motion in its entirety on
9 the papers, or that the Court hold an evidentiary hearing to further reveal law enforcement's
10 warrantless conduct in this case. Additionally, Mr. Lustig reiterates that if the Court finds
11 that a warrantless search took place, an evidentiary hearing will be required to determine
12 what evidence should be suppressed as fruit of the poisonous tree. He asks that these
13 motions be granted.

14 DATED: March 11, 2014

Respectfully submitted,

/s/ Timothy A. Scott

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